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June 2, 2004

## **VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting in WC 03-211**

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("FCC") Rules, this letter serves to provide notice in the above-captioned proceedings of an *ex parte* meeting with certain members of the FCC staff. On June 1, 2004, the undersigned accompanied Mr. Jeffrey Citron, Chairman and CEO of Vonage Holdings Corp. ("Vonage"), Ms. Brooke Schulz and Mr. Chris Murray, also of Vonage, to meet with the following people: William Maher, Bureau Chief, Wireline Competition Bureau, Jeffrey Carlisle, Senior Deputy Bureau Chief, Wireline Competition Bureau, Robert Tanner, Legal Counsel to Bureau Chief, Wireline Competition Bureau and the following individuals from the Competition Policy Division: Michelle Carey, Division Chief, Tom Navin, Deputy Chief, Julie Veach, Assistant Chief, Russell Hanser, Attorney Advisor, Terri Natoli, Attorney Advisor, Darryl Cooper, Attorney, and Christi Shewman, Attorney.

During this meeting, Vonage discussed the recent ruling issued by New York Public Service Commission ("Commission") finding that the Company was a "telephone corporation" under New York state law. Vonage stressed the need for the FCC to act on Vonage's petition so that the agency could develop a national policy and regulatory framework for Internet applications in advance of the states. The Company further emphasized that a limited but timely ruling finding that the Vonage service is jurisdictionally interstate and subject to the exclusive regulatory jurisdiction of the FCC would avoid any possibility of a conflict such as that which

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occurred between the FCC's *Cable Modem Declaratory Ruling* and the Ninth Circuit's decision in the *Brand X Internet Services v. FCC* cases. Any immediate ruling in this proceeding need *not* limit the Commission's ability to further address these services in the context of the *IP-Enabled Services NPRM*.

The Company also expressed its view that the continual efforts by the states to regulate Internet applications would slow broadband deployment and negatively impact the consumer benefits associated with Vonage's service. Vonage recently announced a price decrease of \$5.00, per month, for its residential unlimited package of service that includes many features that other providers require consumers to pay for separately in order to utilize. The Company highlighted that premature regulatory action by state commissions threatens to encumber the deployment of advanced Internet applications and further lower broadband penetration rates in the United States.

Pursuant the Commission's Rules, this letter is being submitted electronically to the Secretary for filing in the above-referenced proceeding.

Sincerely,

\_\_\_\_\_/s\_\_\_\_\_  
William B. Wilhelm, Jr.  
Michael C. Sloan  
Ronald W. Del Sesto, Jr.